



## **State of New Jersey**

OFFICE OF THE MEDICAID INSPECTOR GENERAL

PO Box 025

Trenton, NJ 08625-0025

Telephone 609-826-4700

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

MARK ANDERSON  
*Medicaid Inspector General*

April 26, 2010

Contact: Niki A. Trunk

Chief of Staff

609.777.4269

# **OMIG Investigation Results in Arrest of Home Health Agency Owner**

Today, the New Jersey Attorney General's Office, Division of Criminal Justice (DCJ), assisted by the Office of the Medicaid Inspector General (OMIG), announce the arrest of Olasehmdeme "Isaac" Arowosaye, 53, of West Orange, New Jersey owner of Be Kind Health Care Services, Inc. (Be Kind) home care agency located at 289 Reynolds Terrace in Orange, New Jersey. Simultaneous to the arrest, a search warrant was also executed at the Be Kind facilities. Arowosaye was charged with Medicaid fraud, health care claims fraud, and tampering with public records. Through the use of personal care assistants (PCA), home care agencies provide medically necessary daily living assistance services to New Jersey Medicaid recipients in their homes.

At the request of the New Jersey Department of Human Services, Division of Disability Services, OMIG's Data Mining Unit ran a report of paid claims by this provider. The OMIG's Investigations Unit conducted a preliminary review of the paid claims which revealed that numerous claims had been submitted with inaccurate and/or inadequate documentation to support Be Kind's claims for Medicaid reimbursement. As a result, OMIG investigators launched a full investigation into Be Kind in March 2007.

OMIG investigators reviewed a random sample of 50 recipient claims from a total of 207 claims ranging from January 1, 2007 to April 30, 2007. During the course of the investigation, on September 27, 2007, a woman filed a complaint on behalf of her son, a New Jersey Medicaid recipient who was supposed to receive care from Be Kind, stating that even though no PCA appeared on scheduled days, New Jersey Medicaid was still billed for those services.

Moreover, physician signatures on documentation required to support the medical necessity of these services were forged.

OMIG Investigators determined that, among other things, Be Kind employed 12 unlicensed PCAs in express violation of New Jersey Administrative Code N.J.A.C. 10:60-1.2 which requires PCAs to be certified by the New Jersey State Department of Law and Public Safety, Board of Nursing. The OMIG investigation also found numerous violations which included: no patient care plans as required by N.J.A.C. 10:60-1.2; unsigned progress notes as required by N.J.A.C. 10:60-3.6; billing for PCA visits to two different patients at the same time; billings for dead and hospitalized recipients and forged physicians' signatures.

On January 31, 2008, Be Kind was placed on prepayment review status which retains a provider's New Jersey Medicaid payments while new claims are reviewed. During this period, new claims submitted by Be Kind continued to reveal tampered and forged records and claims.

On May 27, 2008, this matter was referred to the Division of Criminal Justice's Medicaid Fraud Control Unit (MFCU) for possible criminal investigation.

Records reflect that Be Kind became a Medicaid provider as a result of a false application submitted by Arowosaye in 2005, in which he used a false identity. It is alleged that all of the nearly \$5 million in payments that Be Kind received from Medicaid were obtained by fraud because Arowosaye gave a false answer to a material question on the application that, if answered truthfully, would have prevented the company from being approved as a Medicaid provider. The state will seek full restitution from the company and Arowosaye.

Pursuant to the OMIG's recommendation, on July 28, 2008, the Division of Medical Assistance and Health Services terminated Be Kind's Medicaid provider identification number due to the forgery of the physician signatures. Be Kind appealed the termination and then requested a fair hearing in which four physicians testified that their signatures were fraudulently signed on the various CMS 485 forms. One physician stated that while her signature was correct, the patient was not hers. On June 4, 2009, Administrative Law Judge Caridad F. Rigo ruled that Be Kind could not reapply to the NJ Medicaid program due to the forged documentation.

“This office simply will not tolerate somebody seeking to game the system as Mr. Arowosaye tried to do. Today is a good example of how working with our state partners will improve the integrity of the Medicaid Program and protect precious state dollars,” says Medicaid Inspector General Mark Anderson. OMIG will seek full restitution from Be Kind and Arowosaye.

If anyone has information about fraud, waste or abuse in the Medicaid program, please contact the Office of the Medicaid Inspector General toll free at 1-888-937-2835 or visiting the Office’s website at [www.gov/njomig](http://www.gov/njomig). All information received through the hotline or website may be submitted confidentially.